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In re Application of  
Bonadio and Reid  
Application No. 08/641,811  
Filed: May 1, 1996  
For: Apparatus for Use In  
Surgery and a Valve

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:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:  
:

This is in response to the "Renewed Petition Pursuant to 37 CFR 1.47," filed May 2, 1996.

The petition sets forth the last known address of Alan Reid and states that Mr. Reid has refused to execute the declaration. Included with the petition is a copy of a letter to Mr. Bonadio from Mr. Reid in which Mr. Reid states that he is not willing to sign the declaration and requesting that Mr. Bonadio stop corresponding with him on the matter.

On November 6, 1996, a supplemental response was filed. The supplemental response includes:

- (1) a declaration of facts of Frank Bonadio (with attachments); and
- (2) an affidavit of facts of Martin Caldwell stating that as recently as July 1, 1996 he communicated with Mr. Reid regarding the application papers and that he sent the "relevant correspondence" to Mr. Reid requesting that he reconsider his position.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). It is reasonable to conclude from Mr. Reid's statements and from his failure to provide an executed oath or declaration that he has refused to join in the application.

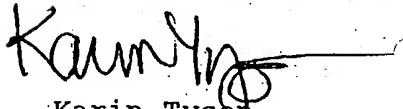
This application is hereby accorded Rule 1.47(a) status and Application Branch is authorized to:

- (1) accept this application under Rule 1.47(a);
- (2) process the application with the inventors being Bonadio and Reid, using the Declaration filed on May 1, 1996; and

(3) mail a filing receipt with a filing date of May 1, 1996.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to non-signing inventor Reid at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Inquiries regarding this decision should be directed to the undersigned at (703) 306-3159.



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